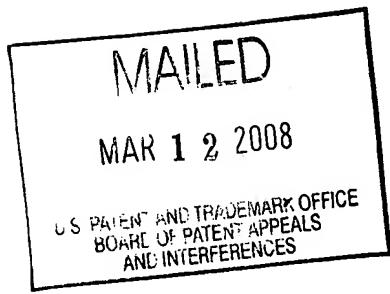


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROYUKI NAITOU and TAKASHI KARASUDA

Application 10/519,407

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Examiner relies on a machine translation of the Japanese Patent 2000-296336, listed under the Evidence Relied Upon section of the Examiner's Answer filed on August 22, 2007. The BPAI does not accept machine translations.

MPEP 1207.02 states in part:

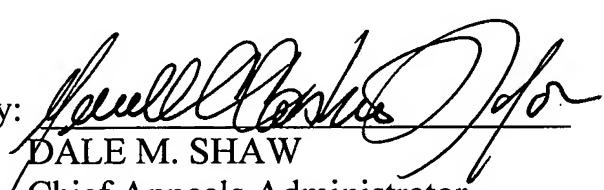
If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner to provide a certified English translation for the Japanese patent listed above, scanned it into the record and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE M. SHAW
Chief Appeals Administrator
(571) 272-9797

DMS/gjh

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